IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 22257 of 2002

Between:
D.Subash Reddy s/o D.Shanker Reddy
R/o 1-21/A, Kompally(village), Qutubullapur,
Ranga Reddy

..... PETITIONER

AND

1 Deputy Transport Commissioner, Secretary-R.T.A
Ranga Reddy Dist., Andhra Pradesh
2 Additional Registering Authority
R.R.Dist.
3 United India Insurance Company
Branch Office:4-5-439, II Floor, Corporation Bank Building,
Badi Chawdi, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order specially one in the nature of writ of mandamus or any other appropriate writ or order declaring the order of the third respondent dated 04-10-2002 as illegal, arbitrary and as well as in violation of the provisions of motor vehicles act, 1998 and also violative article 14,19,21 and 300-A of the constitution of India by directing the third respondent to pay the amount of Rs.1,121,48.00 towards compensation, as on the date of the accident the petitioner is holding a valid license and insurance policy

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Counsel for the Petitioner : MR.P.M.GOPAL RAO, Advocate.

Counsel for Respondent Nos.1& 2:The GP FOR TRANSPORT

The Court Made the Following :

Oral Order:

Petitioner who insured his car—Maruthi Zen-D-EPS with the 3rd respondent—insurance company submitted a claim for Rs.1,12,148/- towards charges for the damage caused to the car in the accident and the same was rejected by the Insurance Company. Challenging the same petitioner filed the present writ petition for a Mandamus declaring that rejection of the claim by the 3rd respondent—Insurance Company is in violation of provisions of Motor Vehicles Act, 1998 and Articles 14, 19, 21 and 300-A of the Constitution, and for a direction to pay the amount of Rs.1,12,148/- towards charges incurred by the petitioner for repairing the vehicle.

When the Insurance Company repudiated the claim and denied its liability, proper remedy for the petitioner is to approach the competent civil court for due enforcement of the terms and conditions of policy, but the same cannot be a subject matter of judicial review as held by the Apex Court in ***LIFE INSURANCE CORPORATION OF INDIA v. ASHA GOEL***[1]***.***

The writ petition is accordingly dismissed. No costs. However, petitioner is at liberty to avail such of the remedies available under law for recovery of the insurance claim.

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A.GOPAL REDDY, J.

22-06-2004
Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1 The Secretary-R.T.A /
Deputy Transport Commissioner, Ranga Reddy Dist.
2 The Additional Registering Authority, R.R.Dist.
3 The authorized Officer, United India Insurance Company
Branch Office:4-5-439, II Floor, Corporation Bank Building,

Badi Chawdi, Hyderabad

4.Two CCs to the Govt. Pleader for Transport, High Court Buildigns,Hyderabad (OUT)

5.Two CD copies.

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[1] 2001 AIR SCW 161